

**IN THE UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|---------------------------------------|---|-----------------------------|
| In re: |) | |
| |) | Chapter 11 |
| INACOM CORP., <u>et al.</u> , |) | |
| |) | Case No. 00-2426 (PJW) |
| Debtors. |) | |
| <hr/> |) | |
| |) | |
| INACOM CORP., on behalf of affiliated |) | |
| Debtors, |) | Civil Action no. 04-582-GMS |
| |) | Adv. No. 02-3499 |
| Plaintiff, |) | |
| |) | |
| v. |) | |
| |) | |
| DELL COMPUTER CORPORATION, |) | |
| <u>et al.</u> , |) | |
| |) | |
| Defendants. |) | |
| <hr/> |) | |

SUPPLEMENT TO THE FINAL JOINT PRETRIAL ORDER

Pursuant to this Court’s Scheduling Order, D. Del. LR 47.1(a) & 51.1, and FED R. Civ. P. 47(a) & 49, Defendant, Dell, Inc. (f/k/a Dell Computer Corporation) (“Dell”), files this its Supplement to the Final Joint Pretrial Order and would show as follows:

1. Because there is a pending motion for a jury trial, Dell sought to include in the Final Joint Pretrial Order the items required by the Court’s Scheduling Order for a jury trial, as well as those items required for a non-jury trial.

2. However, Plaintiff, Inacom Corp., through its attorneys, has refused to sign or file the Final Joint Pretrial Order or any accompanying documents containing

items related to a jury trial. Therefore, Dell files this Supplement to the Final Joint Pretrial Order.

3. Accordingly, pursuant to the Scheduling Order and paragraph 2(i) of the of the form Final Pretrial Scheduling Order attached to the Scheduling Order are the following:

- a. Dell's Trial Brief, attached hereto as Exhibit 1;
- b. Dell's Proposed Jury Instructions, attached hereto as Exhibit 2.
Dell's Proposed Jury Instructions have also been filed contemporaneously in triplicate and on diskette;
- c. Dell's Proposed Special Interrogatories/Special Verdict Form, attached hereto as Exhibit 3. Dell's Proposed Special Interrogatories/Special Verdict Form have also been filed contemporaneously in triplicate and on diskette; and
- d. Dell's Suggested Form of Jury Voir Dire Questions, attached hereto as Exhibit 4. Dell's Suggested Form of Jury Voir Dire Questions has also been filed contemporaneously in triplicate and on diskette.

Respectfully submitted,

/s/ Kevin A. Guerke

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**COUNSEL FOR DELL, INC. (F/K/A DELL
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Dell, Inc.'s Trial Brief was served on this the 15th day of August, 2005 as set forth below:

| | |
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